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EXAMINER

SHANG, ANNAN Q

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/745,606	<b>Applicant(s)</b> NISHIKAWA ET AL.	
	<b>Examiner</b> ANNAN Q. SHANG	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chor et al (6,141,003)** in view of **Beatty (6,336,053)**.

As to claims 1-2, note **Chor et al** reference figures 2, 3 and 5-7, disclose channel bar user interface for an entertainment system and further disclose method for selectively storing data associated with a broadcast channel capable of being received and displayed by an entertainment system (Viewer Computing Unit 'VCU' 50), the method comprising:

the claimed "receiving programming data associated with the channel" is met by Receiver (REC) 88 (fig. 3, col. 3, lines 35-56 and col. 4, lines 17-42) which receives conventional television broadcast signals including IPG "programming" data which includes descriptions, etc., associated with the channel from a Broadcast source via wireless data link, Internet, hybrid fiber coax, etc., and displays a current program, TV show, a movie, news, sports, etc., on TV display 62 (fig. 2 and col. 3, lines 57-67);

Chor further teaches displaying IPG 64 (figs. 2 and 4-6) associated with storing of the channel in Memory (MM) 82 (e.g. RAM) including displaying an add icon 132 that is selectable for adding channel(s) Favorite or Watched channel list stored in MM-82

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when the current channel is not stored in MM-82 and includes Favorite Channels “a mark” icon that is selectable for listing channels previously selected for adding to MM-88 (figs. 5-7, col. 6, lines 8-col. 7, line 9 and col. 9, lines 1-21); where a user, uses Remote Control (RC) 56, Mouse 60, Keyboard etc., (col. 3, lines 40-45) to select, in response to detecting a selection of the add icon displayed in the menu when the current channel is not stored in the memory, to store IPG 64 of the channel associated with the TV Show currently being displayed into MM-88 of VCU-50 (a television with a STB) and loads the programming data associated with the channel currently being displayed into MM-88 (col. 3, line 57-col. 4, line 16, col. 5, line 5-col.6, line 14 and col. 7, lines 10-55), **note that the processor detects various user action, e.g., activating add icon, etc., and in response, provides pop-up menus or an icon of the current channel not stored in the memory to enable the user to perform a desired action or performs an action for the user, e.g., storing the current channel not stored and displaying an icon of the current channel as part of the favorite channels.**

Chor teaches a default “add” icon (item 132) to add channels and further teaches that the viewer can reconfigure the channels through a simple menu interface which allows the viewer to add or remove icons, such as removal of favorite icons (figs.2, 4-7, col.9, lines 1-21).

Chor does not forcefully disclose a “remove” icon, However, **Beatty** discloses a remove icon in place of and add icon (fig.11, Item number 1028 and col.27, lines 15-30), which recites “...bar menu...except that the ADD button 1022 is active, rather than

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disabled, in the menu bar 1210 and that the RETIRE button 1028 is replaced with a DELETE button, which is grayed out...”

Hence it would have been obvious to one of ordinary a skilled artisan to at least create “remove” icon so as to replace the “add” icon with the remove icon for facilitating removal of channels. Furthermore when choosing programs and channels it is well established that a user will make mistakes and/or change his/her mind and no longer want to save a channel or watch a program, therefore replacing an “add” icon with a “remove” icon is obvious, especially when there is no space to add an additional icon to be displayed on the graphical user interface (GUI), due to size constraints.

As to claim 3, Chor further discloses removing a current channel from the list of stored channels (col. 9, lines 1-21).

As to claim 4, Chor further discloses selecting for display, a list of stored favorite of watched channels and displaying the list of stored channels (fig. 6, line 32-col. 7, line 9).

As to claim 5, Chor further discloses displaying a second menu, in response to detecting a selection of the mark icon, where the second menu comprises: a graphical portion, a list of channels stored in the memory, wherein the list of channels is scrollable and the graphical portion displaying a show corresponding to one of the channels in the list during scrolling; Chor further discloses where the second menu further comprising an instruction displayed in the graphical portion and superimposed over the show displayed in the graphical portion with the instructions defining how to perform various operation, i.e., find show, sign on, TV Off, start, etc., and dynamic changing information

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that instructions or provide additional information to direct a user how to perform an operation (figs.4-7, col.4, lines 1-16, col.5, lines 5-39, line 64-col.6, line 43 and col.8, line 39-col.9, line 21 and line 46-col.10, line 24)

Chor is silent as to instruction to display the channel depicted in the graphical portions.

However, Chor discloses providing various instructions as to how to perform some operations, i.e., Find show (tune to a show), Sign on, TV Off, Start, etc. as discussed above.

Hence it would have being obvious to one of ordinary skill in the art at the time of the invention to modify the system of Chor to include an additional instruction to display the channel (to tune to or select a channel displayed in the menu or bar) depicted in the graphical portions in order to direct or inform the user how to performing other operations.

As to claim 6, Chor further discloses receiving IPG data comprises a digital bit stream including the IPG data includes sensory data corresponding to the IPG data (figs. 2, 4-7, col. 4, lines 1-16, col. 5, lines 5-col. 6, line 7 and line 45-col. 7, line 9).

As to claim 7, Chor further discloses where the receiving the selection to store the IPG data to the favorite list comprises, executing software by CPU 54 (col. 4, lines 17-26), implemented within the VCU 50 produces IPG 64 (figs. 2, 4-7), and receiving the selection of an option icon of Channel Setting screen to prompt select the channel to add or remove to/from storage in MM-88 (col. 8, line 39-col. 9, line 21).

As to claim 8, Chor further discloses adding or saving the IPG data into MM-88 includes adding the channel number information and source (col. 8, line 39-col. 9, line 21)

As to claim 9, Chor further discloses displaying a list of the stored channels, in response to receiving a selection to display, a list of the favorite channels or recent channels, an option to cause VCU 50 to tune to a channel in the favorite list of the stored favorite channels or recent channels to display a television program corresponding to the channel in response to receiving a selection of the identified channel from stored channels (col.4, lines 1-16, col. 5, line 5-col.6, line 14, line 32-col. 7, line 30 and col.8, line 28-col.9, line 21).

As to claim 10, Chor further discloses receiving a selection of an option to exit the screen menu, and removing the screen menu from being displayed in response to receiving the selection to exit the screen menu (col. 5, line 5-col.6, line 14, line 32-col. 7, line 30); claim 10 is further met as discussed above with respect to claim 5.

As to claim 11, note **Chor et al** reference figures 2, 3 and 5-7 disclose channel bar user interface for an entertainment system and further disclose an entertainment system (Viewer Computing Unit 'VCU' 50), the method comprising:

The claimed "a display monitor" is met by TV Display 62 of VCU-50, a television with a STB (fig. 2 and col. 3, lines 35-48);

the claimed "a broadcast receiver coupled to display monitor..." is met by Receiver (REC) 88 (fig. 3, col. 3, lines 35-56 and col. 4, lines 17-42) which is coupled to TV-D 62, the REC-88 includes a front-end unit capable of receiving conventional

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television broadcast data including IPG “programming” data which includes descriptions, etc., associated with the channel from a Broadcast source or Cable Headend via wireless data link, Internet, hybrid fiber coax, etc., and displays on TV-D 62, a current program, TV show, a movie, news, sports, etc., (fig. 2 and col. 3, lines 57-67), Memory (MM) 88 (e.g. RAM) for storing IPG 64 (figs. 2 and 4-6) associated with channel(s) in MM-82, Central Processing Unit (CPU) 54 coupled to MM-88 and CPU 54 coupled to receive IPG 64 associated with a broadcast channel (fig. 3 and col. 4, lines 17-42), CPU 54 executes a software to load IPG data associated with the channel currently being displayed into MM-88, to cause a first screen menu to be displayed on TV-D 62, the IPG 64 includes an add icon 132 “first icon” (figs 5-7 and col. 9, lines 1-21) that is selectable to add the current channel to a favorite list of channels stored in MM-82, when the current channel is not included in the favorite channel list and including Favorite Channels “a mark” icon that is selectable for listing channels previously selected for adding to MM-88 (col. 5, lines 29-55, col. 6, lines 8-col. 7, line 9 and col. 7, lines 10-55); where a user of Remote Control (RC) 56 or Mouse 60, etc., to perform these various functions (col. 3, lines 40-45, line 57-col. 4, line 16).

Chor teaches a default “add” icon (item 132) to add channels and further teaches that the viewer can reconfigure the channels through a simple menu interface which allows the viewer to add or remove icons, such as removal of favorite icons (figs.2, 4-7, col.9, lines 1-21).

Chor does not forcefully disclose a “remove” icon, However, **Beatty** discloses a remove icon in place of and add icon (fig.11, Item number 1028 and col.27, lines 15-30),



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which recites "...bar menu...except that the ADD button 1022 is active, rather than disabled, in the menu bar 1210 and that the RETIRE button 1028 is replaced with a DELETE button, which is grayed out..."

Hence it would have been obvious to one of ordinary a skilled artisan to at least create "remove" icon so as to replace the "add" icon with the remove icon for facilitating removal of channels. Furthermore when choosing programs and channels it is well established that a user will make mistakes and/or change his/her mind and no longer want to save a channel or watch a program, therefore replacing an "add" icon with a "remove" icon is obvious, especially when there is no space to add an additional icon to be displayed on the graphical user interface (GUI), due to size constraints.

As to claims 14 and 15, Chor further discloses where VCU 50 includes television receiver or STB and IRD, comprises: an amplification circuitry, demodulator, a main logic block, a transceiver device, remote command interface, an extension bus that is couple with and provides a communication path between at least the main logic block and each of the transceiver device and the remote command unit interface; and memory, wherein the remote command unit interface receive at least a first command from a remote control device and transfers a first interrupt request signal, corresponding to the first command, to the central processing unit such that the central processing unit, in response to receiving the first interrupt, executes interrupt software contained in one of the memory and the second memory to implement storing, into the memory, the programming data associated with the channel currently being displayed to add the

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current channel to the list of channels stored in said memory (fig. 3 and col. 3, line 35-col.4, line 60).

As to claim 16, Chor further discloses where VCU 50 CPU 54 executes software to add the currently displayed channel to the favorite or watched channel list stored in MM-88 when CPU 54 detects a selection of the add icon (col. 6, line 32-col. 7, line 21 and col. 8, line 39-col. 9, line 21).

Claims 17-19, 21 and 22 are met as previous discussed with respect to claim 5.

Claim 23 is met as previous discussed with respect to claim 5.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-11, 14-19 and 21-23 have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims necessitated the new ground(s) of rejection as clearly discussed above. **This office action is made Final**

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alexander et al (6,177,931) disclose systems and methods for displaying and recording control interface with television programs, video, advertising information and program scheduling information.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Primary Examiner, Art Unit 2424

**Annan Q. Shang**